

SPEARS & IMES LLP

51 Madison Avenue
New York, NY 10010
tel 212 213-6996
fax 212 213-0849

Charlita Mays
Tel 212-213-6673
cmays@spearsimes.com

August 5, 2020

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Uniformed Fire Officers Ass'n, et al. v. de Blasio, et al.*, 20 Civ. 5441 (KPF)

Dear Judge Failla:

On behalf of New York University School of Law's Center on Race, Inequality, and the Law ("Center"), I write to request that the Court allow the Center to participate as *amicus curiae* in this matter. The plaintiffs seek, among other things, to permanently enjoin the New York Civilian Complaint Review Board ("CCRB") and other New York City agencies from releasing certain disciplinary records of New York City police officers, among others. The disciplinary records at issue were previously exempt from disclosure under Civil Rights Law § 50-a, which was repealed on June 12, 2020, paving the way for more transparency into conduct, including misconduct, by law enforcement officers and greater accountability for misconduct.

The Center works to highlight, confront, reform and/or dismantle structures and institutions that have been infected by racial injustice and plagued by inequality. The Center fulfills its mission through public education, research, advocacy, and litigation. Among the Center's top priorities is wholesale reform of the criminal legal system, including challenging the unlawful and biased exercise of discretion by actors in that system to ensure the fair administration of justice. Access to the disciplinary records of law enforcement officers will greatly aid the Center in its mission to address the historical, empirical, and pervasive character of racial inequality in the criminal legal system generally, and in law enforcement in particular, and to provide insight to the public and affected communities on these issues. The Center advocated for the repeal of § 50-a and, in February 2019, partnered with the CCRB and New York University's McSilver Institute for Poverty Policy and Research to host a youth summit on policing in New York City. That summit brought over 100 New Yorkers between the ages of 10 and 24 together to explore their concerns about policing and to advance solutions for increased oversight and greater transparency to practitioners and advocates. The Center has filed *amicus curiae* briefs in criminal cases in the United States Supreme Court, the United States Court of

Appeals for the Fifth Circuit, the New York Supreme Court, and the North Carolina Supreme Court. As with the proposed brief in this case, those briefs have advocated for a more just, transparent, and accountable system of law enforcement within the criminal legal system.

Because of its commitment to eliminating policies and practices that perpetuate racial injustice and inequitable outcomes in the criminal legal system, the Center respectfully submits that it could be of assistance to the Court in addressing the legal issues and arguments at issue in this case. *See Auto. Club of New York, Inc. v. Port Auth. of New York & New Jersey*, No. 11 CIV. 6746 (RJH), 2011 WL 5865296, at *2 (S.D.N.Y. Nov. 22, 2011) (permitting amicus where it would “insure a complete and plenary presentation of potentially difficult issues so that the court may reach a proper decision” (internal alterations omitted)). If granted leave, the Center would file its amicus brief on or before August 14, 2020, which is the deadline currently set by the Court for written amicus submissions.

Based on the foregoing, The Center respectfully requests leave to participate in the above-captioned action as amicus curiae.

Respectfully submitted,

SPEARS & IMES LLP

By: /s/ Charlita Mays

Charlita Mays

Cynthia Chen

51 Madison Avenue

New York, NY 10010

(212) 213-6996

cmays@spearsimes.com

cchen@spearsimes.com

*Counsel for Center on Race, Inequality, and
the Law at NYU School of Law*

cc: All Counsel (via ECF)